IN THE EXECUTIVE ETHICS COMMISSION OF THE STATE OF ILLINOIS

In re: LAWRENCE STONE) OEIG Case # 10-00228

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report's factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission ("Commission") received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Lawrence Stone at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

BACKGROUND

The initial allegation in this matter was that Lawrence Stone, Chief Internal Auditor at the State Employees Retirement Systems (SERS), abused State time and equipment. Mr. Stone allegedly used his State e-mail address to communicate with students and faculty at University of Illinois at Springfield (UIS), where he serves as Adjunct Instructor. He also allegedly took extended lunch breaks to work out at [redacted], a local health club.

Stone has been employed with the State for 28 years and has held his current position for approximately eight years. Stone's responsibilities include performing and directing audits, preparing audit reports, reviewing internal controls systems and acting as a liaison with auditors hired by the State Auditor General's office.

INVESTIGATION

Stone's Extended Lunch Breaks

Interview of [Executive Secretary]

On September 15, 2010, OEIG investigators interviewed Executive Secretary [redacted]. [Executive Secretary] indicated that he was appointed to the position of Executive Secretary in June 2010, but has supervised Stone for more than four years. According to [Executive Secretary], Stone's regular work hours are from 8:00 a.m. to 4:30 p.m. Stone is entitled to a one hour lunch and two 15 minute breaks. Stone is not allowed to combine lunch with any of his breaks or use either his lunch or break(s) to reduce his workday. [Executive Secretary] stated that employees are not allowed to eat at their desk, even if they are on lunch.

[Executive Secretary] is aware that Stone teaches at UIS "off and on." [Executive Secretary] became aware of Stone's teaching after Stone submitted a Flextime Request Form, requesting to take a one-half hour lunch in order to depart one-half hour earlier on Tuesdays. [Executive Secretary] approved Stone's request and stated that SERS does not require employees to complete a secondary employment form.

[Executive Secretary] said he was unaware that Stone came to work late, left work early or took extended lunches. [Executive Secretary] was also unaware that Stone used his e-mail account to communicate with faculty and staff at UIS. According to [Executive Secretary], employees are not supposed to use their e-mail for personal reasons.

Interview of [employee 1]

On September 2, 2010, OEIG investigators interviewed [employee 1]. [Employee 1] stated that he has been [identifying information redacted]. [Employee 1] also said that he and Stone take their lunch breaks from 11:30 a.m. to 12:30 p.m. [Employee 1] stated he visits the [health club] during lunch. Although they do not visit the [health club] together, [employee 1] said he sees Stone there about once a week. He and Stone have worked out together. [Employee 1] said he thought Stone was allowed to come to work early and take extra time at lunch. According to [employee 1], Stone sometimes eats his lunch at his desk after having worked out at the [health club].

OEIG Surveillance

On October 18 and 28, 2010, Investigators conducted surveillance of Stone. On October 18, 2010, Stone reported to work on time, took less than an hour for lunch and left work at his regularly scheduled departure time. On October 28, 2010, Stone arrived at work at 8:43 a.m., 43

^{1 [}redacted]

² SERS employees are required to submit requests for flex-time to their immediate supervisor. Requests should be resubmitted annually in April. SERS Agency Directives Manual, Conditions of Employment, Office Hours and Flex Time.

minutes after his scheduled start time. He took 55 minutes for lunch and left at his regularly scheduled departure time. Stone later submitted a request form seeking 30 minutes of personal leave to cover his absence from 8:00 to 8:30 a.m. that day. [Executive Secretary] approved the request on November 4, 2010.

Interviews of Human Resources staff

The OEIG interviewed [employee 2] and [employee 3] regarding the use of benefit time at SERS. [Employee 2], an SERS employee for 15 years, stated that before she came to Human Resources four years ago, she saw a few employees eating lunch at their desks. She is not certain whether those employees had permission to do so from their supervisors or not, but stated that the SERS policy prohibits employees from eating lunch at their desks. She also stated that the new Employee Handbook should be distributed by early January 2011 and will retain the policy prohibiting employees from eating lunch at their desks. [Employee 2] stated she is not aware of anyone being allowed to eat lunch at their desk. [Employee 3], who has been at SERS since 2001, is also unaware of anyone being allowed to eat lunch at their desk. [Employee 3] said employees are required to cover an extended lunch by using benefit time.

Document Analysis

The OEIG reviewed Stone's January to May 2010 timesheets and leave requests. Stone's timesheets reflected that he arrived late to work only once during that period, May 16, 2010. Specifically, on May 16, 2010, Stone used one-half hour of personal time and began work at 8:30 a.m. According to leave requests or timesheets, Stone was at lunch for more than an hour on February 9, March 3, March 16, May 4 and May 13, 2010, but he used personal time to cover his extended lunches on those days. Stone's timesheets also reflected he was out of the office for less than an hour during lunch on January 19, February 2, February 16, and March 2, 2010. Each of these days was a Tuesday, Stone's teaching day, and he left work at 4:00 p.m. On Monday, February 22, 2010, Stone left one-half hour early after only taking a 30-minute lunch.

Stone's Use of the SERS E-mail System

OEIG Investigators reviewed Stone's SERS e-mail account for the period of January 6, 2010 to May 5, 2010. An analysis of Mr. Stone's account identified 119 e-mail exchanges related to Stone's work at UIS during this time period. Investigators were able to determine that Stone sent 49 of the 119 e-mails during his regular work hours. Although Stone's e-mail exchanges occurred at all times of the day, many UIS e-mails appeared to have been sent only minutes after Stone arrived at work or just prior to his departure.³

Investigators determined that Stone sometimes sent multiple UIS related e-mails per day. For example, on April 16, 2010, Stone used personal benefit time from 8:00 a.m. to 8:30 a.m.,

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³ For example, Stone sent e-mails shortly after arriving at work on: January 19, April 8, April 9, and April 30, 2010. Stone sent e-mails shortly prior to departing work on February 2, March 19, and March 22, 2010; and sent an e-mail shortly before or after lunch breaks on April 12, April 20, and April 30, 2010.

beginning his work day at 8:30 a.m. Nevertheless, Stone sent UIS related e-mails on April 16, 2010 at 9:40 a.m., 9:53 a.m., 10:37 a.m. and 10:57 a.m.

In addition, Stone sent e-mails to himself on his state e-mail account from his personal e-mail account. Stone sent e-mails from his personal account to his state e-mail account on February 1, 16, 17, 18, 28, and April 8, 30, May 2 and 3, 2010.

Stone's OEIG Interview

On September 23, 2010, OEIG Investigators interviewed Stone. Investigators questioned Stone about his use of the State computer and the allegation that he abused State time.

Stone acknowledged that he is currently employed as an Instructor at UIS and stated that he has been teaching part-time for about 12 years. Stone said that he notified SERS of his job via a flextime request form. He explained that he submitted this form so that he could leave one-half hour earlier on Tuesdays in order to teach his class. Stone stated that his normal work hours are 8:00 to 4:30 p.m. and that he is allowed an hour for lunch and two 15 minute breaks (10:00 a.m. and at 3:00 p.m.) Stone said that his lunch time varies, but that he tries to go to the [health club] during his lunch hour approximately three times per week.

Stone admitted that he is late to work about one day a week and sometimes takes extended lunches. Stone added that there are times when he only takes a 15-20 minute lunch, that he rarely goes out to eat, and that he never leaves early. When asked whether he was allowed to eat lunch at his desk or in the break room after having already taken an hour for lunch, Stone indicated that he was allowed to eat lunch at his desk. Stone said when he returns from the [health club], he eats at his desk so that he continues working. Although he acknowledged that this is contrary to SERS policy, he said the previous Executive Secretary, [redacted], gave him oral permission to do so. ⁴

Initially, when questioned about whether he is allowed to use State resources to perform his UIS duties, Stone answered: "Not per se, no." Stone said he used his State computer to conduct UIS business, but stated he tries to do this during his breaks and/or lunch. When questioned about whether he used the State computer to conduct UIS business during work time, he responded, "I'm sure I have." Stone said that he also may have used his State telephone to call UIS. According to Stone, he does not view his conduct as a violation of SERS policies because UIS is also a State entity. Stone admitted providing UIS faculty and staff with his State e-mail address to facilitate communication with his department coordinator during the day. He advised that SERS allows employees reasonable personal use of the computer, but could not say that his actions were permitted.

ANALYSIS

⁴ The OEIG obtained a copy of a Certification Form. The Certification Form revealed that Stone signed and dated it September 25, 2007. The form indicates that Stone has read the Agency Directives Manual and understands the requirement to comply with its provisions.

Misuse of State Computer and E-mail System

The SERS Code of Conduct prohibits employees from using SERS property or equipment for any purpose other than official SERS business. SERS's e-mail and internet policy provides that the computer systems and e-mail are not to be used for an employee's personal gain or to support non-SERS purposes. While stating that e-mail generally should be used only for official SERS business, it allows for reasonable "unauthorized utilization" if it does not impact the employee's official SERS duties and is of reasonable duration and frequency.

Stone provided his State e-mail address to faculty at UIS. Stone admittedly did this in order to facilitate communication with UIS during the day, i.e. during his SERS work hours. In essence, Stone used his State e-mail mailbox as if it were the official mailbox for all secondary employment communications. The OEIG investigation revealed that Stone sent and received 119 e-mail exchanges during a five month period, many of them during work hours. Although he told OEIG Investigators that he attempted to limit his personal use to lunch and break times, the evidence refutes this contention. In fact, Stone sent e-mails shortly after arriving to work or shortly before departing work. The investigation also revealed that Stone sent multiple non-work related e-mails from his personal e-mail account to himself on his State e-mail account. In short, Stone performed UIS work on his State e-mail account while on SERS work time.

Stone argues that he did not violate the SERS Code of Conduct because he was using his SERS equipment and accounts to communicate with another State entity. However, Stone's UIS communications had no relationship to his SERS work even though both are State agencies. Although Stone was aware of SERS policy, the facts reveal he chose to disregard the policies. The Code of Conduct allows for some personal use, but Stone's use clearly was not sufficiently minimal to be considered permissible. Therefore, the allegation that Stone abused State equipment is **FOUNDED**.

Time Abuse

Stone's normal work hours are 8:00 a.m. to 4:30 p.m. Stone is entitled to a one hour lunch and two 15 minute breaks, which he takes at 10:00 a.m. and 3:00 p.m. However, employees are not allowed to combine lunch with breaks or use either to shorten the workday, nor are they allowed to eat at their desk, even if they are on lunch.

Stone admitted that he is late to work about one day a week and sometimes takes extended lunches. Specifically, he admitted going to the [health club] approximately three times a week and that he does not eat lunch during the hour he spends out of the office. Rather, he eats at his desk when he returns from the [health club]. At least one co-worker has seen Stone eating lunch at his desk after having worked out at the [health club]. Employees are required to cover an extended lunch by using benefit time, but Stone does not use benefit time to cover the time spent eating at his desk.

⁵ SERS Agency Directives Manual, Conditions of Employment, Standards of Conduct.

⁶ SERS Agency Directives Manual, General Administration, E-Mail Policy/Internet Policy.

⁷ SERS Agency Directives Manual, Personnel Policies, Work Time Requirements.

⁸ Id.; SERS Agency Directives Manual, Conditions of Employment, Work Rules.

Again, although Stone knew that SERS policy prohibits employees from eating at their desks, he chose to disregard the policy. Stone said that the previous Executive Secretary, [redacted], gave him oral permission to eat at his desk, but Stone never sought such approval from [Executive Secretary], his supervisor for the past four years. [Executive Secretary] was unaware that Stone was eating lunch at his desk after already having taken a lunch break.

Finally, during the OEIG's surveillance of Stone on October 28, 2010 he was 43 minutes late. Stone later submitted a request for 30 minutes personal leave, which only covers his absence from 8:00 to 8:30 a.m. that day. Thus, Stone failed to submit a request sufficient to cover the entire time of his absence. This is another example of Stone's failure to comply with SERS policy.

Stone's conduct violates SERS policies. As Chief Internal Auditor, Stone directs other internal auditors and interacts with external auditors. Stone is an employee who holds a position of authority, and should set an example for other employees to follow. In light of Mr. Stone's position, repeated abuse of time and disregard for SERS policies are particularly disturbing. Stone's admitted extension of his lunch on a routine basis, without submitting benefit forms to cover the time, establishes that the allegation that he abused State time is **FOUNDED**.

CONCLUSIONS

Following its investigation, the OEIG issues these findings:

- > FOUNDED Larry Stone misused State resources by using the State computer e-mail system equipment for his secondary employment.
- > FOUNDED Larry Stone abused State time in violation of SERS policy.
- > FOUNDED Larry Stone repeatedly ate lunch at his desk in violation of SERS policy.

RECOMMENDATIONS

Based upon the evidence, the OEIG recommends that Larry Stone be subject to discipline for his abuse of State time and resources.

No further investigation is needed and this case is considered closed.

⁹ Although the SERS Agency Administrative Directives Manual, Personnel Policies, 4.7 Personal Leave Days, requires Personal Leave to be used in increments of a minimum of two hours, [employee 2] informed the OEIG that the policy had been superseded by a policy allowing for use of personal time of ½ hour initially, 15 minute increments thereafter. According to [employee 2], this went into effect in September 2008 and she sent at least one e-mail to staff advising of the new policy; she may have sent as many as three e-mails to staff in 2008 regarding policy changes on the use of benefit time.

State Employees' Retirement System of Illinois

General Assembly Retirement System

Judges' Retirement System of Illinois

Internet: http://www.state.il.us/srs

E-Mail: ser@mail.state.il.us

2101 South Veterans Parkway, P.O. Box 19255, Springfield, ID 62794-9255

April 18, 2011



Ricardo Meza, Executive Inspector General Office of Executive Inspector General 32 West Randolph Street, Suite 1900 Chicago, IL 60601

EXECUTIVE ETHICS COMMISSION

Re: OEIG Case No. 10-00228 - INFORMATION REQEST RESPONSE REQUIRED

Dear Executive Inspector General Meza:

This Agency is in receipt of your office's investigation involving the State Retirement Systems employee, Lawrence Stone. I have met with Mr. Stone regarding the findings of your report, and an additional charge of violation of Rules of Conduct levied against him by the Agency, to discuss the charges and elicit a response.

Based on the investigative report, the additional charge as well as his response to the charges, I made the determination that a twenty (20) day suspension would be justified to correct his behavior. Therefore, beginning today, April 18, 2011, Mr. Stone is being suspended for twenty (20) working days, with a return to work date of May 7, 2011.

I have attached a copy of the documentation of the twenty (20) day suspension as well as the Statement of Charges regarding this case. If you require further documentation, I will provide the information. Thank you for your assistance with this matter.

Sincerely,

Timothy B. Blair Executive Secretary

enclosure



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STATEMENT OF CHARGES

LAWRENCE STONE

You, Lawrence Stone, are being suspended without pay for a period of twenty calendar days, beginning April 18, 2011 and ending May 7, 2011. During this period you are not to report to work or perform any work product.

The suspension is for cause in that based on an investigation by the Office of the Executive Inspector General received in this office on March 11, 2011, you have been found to have violated the State Retirement Systems Agency Directives Manual.

Specifically, you:

Abused State time and equipment, in that you used your State e-mail address to communicate with students and faculty at the University of Illinois at Springfield (UIS), where you served as Adjunct Instructor.

Abused State time, by taking extended lunch breaks.

Ate lunch at your work desk.

The above constitutes a violation of the State Retirement Systems Agency Directive Manual (Effective September 2007);

- 1.3 E-MAIL POLICY/INTERNET POLICY A. All SRS computer systems, including the e-mail, are the property of the agency and are not t to be used for an employee's personal gain or to support or advocate for SRS non-work purposes and The use of e-mail should generally be limited to official SRS Business;
- 2. CONDITIONS OF EMPLOYMENT, 2.1 Guiding Principles All employees and trustees of SRS shall avoid any action that might result in or reasonably be expected to appear that the employee/trustee has: 1/ Used his/her official position for private gain; Standards of Conduct Employees and trustees shall not knowingly engage in any activity, either business or personal, that places him/her in a position of conflict between his/her private interest and the interest of SRS; 2.9 WORK RULES, H. Employees may not eat at their desk. All food, lunches, and diners will be eaten in the lunch room. Drinks only will be allowed in the work areas, with only small snack items such as candy, peanuts, or pretzels; and
- 4.31 ABSENTEEISM/TARDINESS Employees are required to report to work promptly and work 7.5 hours each day in accordance with your assigned work schedule

You also violated the SRS Employee Handbook (effective January 2011), in that:

On April 1, 2011, at approximately 8:00 to 8:30 a.m. you entered office and placed a tape recorder on his table and stated you wanted to have a discussion with him and wanted it recorded. When refused to have the discussion while being recorded, you asked employee to come into the office to take minutes while you talked with During this meeting you requested documentation on the modernization effort. When told the information was not readily available you demanded that should find it and give it to you right then.

The above conduct constitutes a violation of the SRS Employee Handbook (effective January 2011):

12. RULES OF CONDUCT, A. Violations, 2. Inappropriate behavior or discourteous treatment to co-workers, subordinates, supervisors/managers or SERS members.

State Retirement Systems takes the above mentioned violations very seriously and any further acts of violation of the State Retirement Systems Handbook may result in further discipline, up to and including discharge.



• State Employees' Retirement System of illinois

 General Assembly Retirement System Judges' Retirement System of Illinois

Internet: http://www.state.il.us/srs

E-Mail: seramail state ilus

2101 South Veterans Parkway, P.O. Box 19255, Springfleld, IL 62794-9255

FACSIMILE COVER LETTER

ease return any fax responses to the same fax number indicated. In y inquires concerning this fax should be directed to the sender's hone number shown below. FAX 217-557-5154 (Field Services, Judges' and General Assembly Retirement Systems) FAX 217-557-0510 (Insurance, Vouchering) FAX 217-785-6961 (Disability)		
This fax originated from the fax number checked at right. Pax 217-557-3943 (General Office/Human Resonation of the same fax number indicated. In provided the same fax number indicated. In provide		FAX 217-524-2293 (Pension/Death)
ease return any fax responses to the same fax number indicated. In inquires concerning this fax should be directed to the sender's fax 217-557-5154 (Field Services, Judges' and General Assembly Retirement Systems) FAX 217-557-0510 (Insurance, Vouchering) FAX 217-785-7019 (Accounting, Administrative Data Processing) The following pages(s) are for: Name: M: General Assembly Retirement Systems FAX 217-785-7019 (Accounting, Administrative Data Processing) The following pages(s) are for: OBTG Sender's Phone Number (217) 785-7018		FAX 217-785-6964 (Service & Refunds Division)
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FAX 217-785-6961 (Disability) FAX 217-785-7019 (Accounting, Administrative Data Processing) The following pages(s) are for: Name:	lease return any fax responses to the same Tax number indicated. ny inquires concerning this fax should be directed to the sender's hone number shown below.	FAX 217-557-5154 (Field Services, Judges' and General Assembly Retirement Systems)
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Data Processing) The following pages(s) are for: Name:		FAX 217-785-6961 (Disability)
Name: <u>M://: feat w://:5</u> DETG Sender: <u>Denist family</u>		FAX 217-785-7019 (Accounting, Administrative Se
Sender: Sense family Sender's Phone Number (217) 785.7018 Date: 4.5.2011 Time: 3:40 Re: OFIG Cost # 10-00228 Special Instructions/Comments:	The following \mathcal{Q} pages(s) are for:	
Sender: Sense family 55FR5 Sender's Phone Number (217) 785.7018 Date: 4.5.201/ Time: 3:40 Re: OFIG Cost # 10-00228 Special Instructions/Comments:	Name: <u>M:11: lent w:11:5</u>	@ 312-814-5479
Sender's Phone Number (217) 785.7018 Date: 4.5.2011 Time: 3:40 Re: OFIG Cost # 10-00228 Special Instructions/Comments:		
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LOA will meet with and videal this week and plan to impose	Re: OFIG Case # 10 - 00228	S-8-#:
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	up as the a-scapione is conquere	

Confidentiality Notice: The information contained in this facsimile message is legally privileged, confidential information for the use of the individual or entity listed above. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of the contents is strictly prohibited. If you receive this telecopy in error, please notify the sender at the telephone number listed above.



OFFICE OF EXECUTIVE INSPECTOR GENERAL

for the Agencies of the Illinois Governor
Recardo Meza, Executive Inspector General - www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case	Number: 10-00228	Due 20 Days after Receipt of Report
B	we check the box that applies. We have implemented all of the OEIG recond (Provide details regarding action taken.) In the note imply mented distiplint implementing distiplint in the color of a suspension of a to 5 day	nmendations: OF this time however we will to nyx+ 30 days SERS intends to
	We are implementing the OEIG recommend (Provide details regarding action planned /	dations however, we seek to deviate as follows:
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follo		IG recommendations and seek to deviate as

(Explain why and provide details of alte	ernate plan.)
Signature	State Refirement Systems - PSA Print Agency and Job Title
Signature / Signature / Print Name	<u> </u>

Return to Sherry Bult, Office of Executive Inspector General, 32 W. Randolph St. Chicago, Illinois 60601

Executive Ethics Commission

401 S. Spring

Springfield, Illinois 62706

Ref. 10-00228

Dear Sir,

Identified below is my public response. I did use your form, but I believe this is more readable. If needed, I give permission to use this form in lieu of the written response.

- 1. When I stated I am late to work once a week, the investigators did not include the part about "Maybe by up to 5 minutes, I don't know".
- 2. As stated, Previous Executive Secretary gave permission to eat at my desk and under current administration no one told me otherwise until now.
- 3. As stated, I believe UIS to be a State Entity providing education to our future Employees.

Sincerely,

Lawrence L. Stone

